



2023-263



DISTRICT COURT OF MARYLAND FOR Washington County

Located at 36 West Antietam St, Hagerstown, Maryland 21740

Case No. D-112-CR-23-003237

STATE OF MARYLAND

VS.

DISCAVAGE, JOHN

22 YANKEE DRIVE

KEEDYSVILLE, MD 21756-0000

CC#: 2303877

SID:

FBI#:

LID:

DL#:

Race: W Sex: M

Ht: 5' 08"

Wt: 215

Hair: BRO Eyes: BRO

DOB: 01/22/1974

Home phone:

Cellphone:

Charge | Statute | Arrest

Charge | Statute | Arrest

ASSAULT-SEC DEGREE | CR 3 203 |

RECEIVED

JUN 22 2023

DIST. COURT OF MD 11-02

CRIMINAL SUMMONS ON CHARGING DOCUMENT

STATE OF MARYLAND, Washington County, to wit:

To the defendant:

YOU ARE SUMMONED AND COMMANDED to appear for a Trial/Hearing on a date to be set by the Clerk to answer the charge(s) lodged against you in the charging document attached hereto.

NOTICE TO DEFENDANT: If you fail to appear at the place, time and date set forth above, a warrant for your arrest may be issued. If you change your name, address, or telephone number, you must notify the court at the above location prior to the hearing/trial date. To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately. **TTY users call Maryland RELAY: 711.** Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.

Date: 06/16/2023

Judge/Commissioner/Clerk:

ID: B044

Given to: WASHINGTON COUNTY SHERIFF'S DEPT

NOTICE TO OFFICER: If not served by 07/16/2023, return to the Court.

ACKNOWLEDGEMENT

I acknowledge receipt of a copy of this Summons and Charging Document and hereby promise to appear in the District Court as directed by the Summons. I understand that acceptance of this Summons is not an admission of guilt but that my failure to appear at the place, time and date herein set forth will result in the issuance of a warrant for my arrest.

Date: 6/21/23

Signature of Defendant:

RETURN OF SERVICE

☒ I certify that I delivered a copy of this Summons and Charging Document to the defendant personally at

12:12 o'clock P M. on 6/21/23 at 7303 SHARPSBURG AVE HAGERSTOWN MD

☐ I certify that the defendant could not be found.

☐ I certify that I personally attempted to deliver a copy of this Summons and Charging Document to the defendant, but they refused to accept and/or sign a receipt for the document(s).

Signature of Issuing Officer

BUSSARD

Printed Name of Officer

6/21/23

Date

MT
Officer's Title

ORIGINAL

RETURN TO DISTRICT COURT

MSP 9064 0412
Agency, Sub Agency, I.D.

NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) explaining any potential collateral consequences of a conviction including immigration consequences;
 - (D) helping you at trial;
 - (E) helping you protect your constitutional rights; and
 - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

Contact information for District Court Commissioner's Offices can be found at:

<http://www.mdcourts.gov/district/directories/commissionermap.html>

If you require further information about qualifying for a Public Defender, call 1-833-453-9799.

NOTICE TO DEFENDANT

1. **MUST APPEAR** - If the offense with which you are charged is a 'MUST APPEAR' offense, you may not waive trial but are required to appear in court when notified. PLEASE NOTE THAT FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.
2. **PRESET FINE** - You must either pay the preset fine, request a waiver hearing, or request a trial date within 30 days after receipt of the citation/summons/warrant.

NOTE: If charged by citation, follow instructions on the citation. **IF CHARGED BY STATEMENT OF CHARGES (SUMMONS OR WARRANT), CHECK ONE OF THE FOLLOWING OPTIONS, SIGN AND DATE, AND MAIL THIS FORM, ALONG WITH A COPY OF THE STATEMENT OF CHARGES (SUMMONS OR WARRANT) TO THE ADDRESS SHOWN BELOW:**

☐ **OPTION #1:**

Pay the full amount of the preset fine at any District Court of Maryland location, or with a credit card at the Maryland Judiciary Website or by phone (see below) or by mail to the address shown below.

To pay by mail:

- Make your check or money order payable to the District Court of Maryland. Include citation number(s) you wish to pay on check.
- An additional \$10 service fee will be imposed for each dishonored check.

☐ **OPTION #2:**

Request a Waiver Hearing: I admit I committed the violation in this Statement of Charges, and I request a waiver hearing to explain the circumstances to a judge. I understand this is not a trial, the officer and witnesses will not be present, and my appearance in court is for sentencing only.

☐ **OPTION #2:**

Request a trial date: I request a trial date for the violation(s) charged.

Date

Signature

**District Court Traffic Processing Center
District Court of Maryland
P.O. Box 6676
Annapolis, MD 21401-0676**

Please note that payment in full of the preset fine will close the violation and result in the entry of a conviction for the violation(s). Please note further that points will be assessed by Motor Vehicle Administration (MVA) on your driving record after conviction of a violation of the Motor Vehicle Laws of this State. If you fail to comply with one of the above options within 30 days of receipt of a citation/summons/warrant, MVA will be notified and may take actions to suspend your license. Driving on a suspended license is a criminal offense for which you could be incarcerated.

FOR MORE INFORMATION AND TO PAY CITATIONS:

Visit the MD Judiciary Website at www.mdcourts.gov/district or call the Interactive Voice Response (IVR) System for trial dates, court locations, and directions.

From all areas including out-of-state calls: 1-800-492-2656

TTY users call Maryland RELAY: 711

I have read or have had read to me the contents of the above form and acknowledge receipt of a copy thereof.

6/21/23

Date

Defendant

Date

Judge/Commissioner

IMPORTANT NOTICE

The attached papers charge you with committing a crime. Depending on the crime charged, a **jail sentence** could be imposed by the court if you are found guilty. You have a right to be represented at trial by a lawyer. **ACT IMMEDIATELY** to obtain a lawyer. If you cannot afford a lawyer, you may apply for the Public Defender through the **District Court Commissioner** who will determine if you are eligible for the Public Defender to represent you at trial. If you wait too long to retain the Public Defender or private counsel you can be made to stand trial without a lawyer. Applications are accepted at any District Court Commissioner's Office during operating hours. Please contact the office listed below for operating hours:

District Court Commissioner Station for Washington County
500 WESTERN MARYLAND PARKWAY
Hagerstown, MD 21740
1-833-453-9799

You should bring the following papers to apply for the Public Defender's services:

1. Court charging documents/traffic tickets. (Statement of Charges/all documents issued to you by court).
2. Trial date notices from the court. (You may apply even if no trial date has been received.)
3. If you are employed:
Written proof of salary, pay stubs, or other written verification of income for the last two pay periods.
4. If you are unemployed:
Proof of public assistance, medical assistance, Social Security or Supplemental Security Income (SSI), or other assistance you are receiving.

For more information on operating hours or locations visit the Maryland Judiciary website:
mdcourts.gov/district/directories/commissionermap
If you require further information about qualifying for the Public Defender, call 1-833-453-9799.

IMPORTANT

IF THE COMMISSIONER DETERMINES THAT YOU ARE ELIGIBLE TO BE REPRESENTED BY THE PUBLIC DEFENDER AT TRIAL, YOU WILL RECEIVE A **FINAL QUALIFICATION** IN WRITING. ONCE YOU HAVE RECEIVED THE FINAL QUALIFICATION, ALL QUESTIONS SHOULD BE DIRECTED TO THE PUBLIC DEFENDER'S OFFICE:

The address of the Public Defender is:

**81 W. WASHINGTON ST., SUITE A
HAGERSTOWN, MARYLAND 21740**

Their telephone number is: **301-791-4735**

The Office of the Public Defender is open weekdays from 8:30 a.m. to 4:30 p.m.

I have read, or have had read to me, the contents of the above notice and acknowledge receipt of a copy thereof.

6/21/23

DATE


SIGNATURE OF DEFENDANT

**IF YOU DO NOT HAVE A LAWYER ON THE TRIAL DATE, YOU MAY
HAVE TO GO TO TRIAL WITHOUT THE ASSISTANCE OF A LAWYER.**

ORIGINAL

RETURN TO DISTRICT COURT